

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WATERFORD TOWNSHIP POLICE & FIRE : Civil Action No. 1:10-cv-00864-SLT-RER  
RETIREMENT SYSTEM, Individually and On : **(Consolidated)**  
Behalf Of All Others Similarly Situated, :  
Plaintiff, : CLASS ACTION  
vs. : ORDER AWARDING  
SMITHTOWN BANCORP, INC., et al., : ATTORNEYS' FEES AND EXPENSES  
Defendants. :  
\_\_\_\_\_ x

This matter having come before the Court on September 28, 2015, on the motion of Lead Counsel for an award of attorneys' fees and expenses; the Court having considered all papers filed and proceedings conducted herein, having found the settlement of the above-captioned action to be fair, reasonable and adequate, and otherwise being fully informed in the premises and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated January 9, 2015 (the "Settlement Agreement") and all capitalized terms used, but not defined herein, shall have the same meanings as set forth in the Settlement Agreement.
2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all members of the Class who have not timely and validly requested exclusion.
3. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finds and concludes that due and adequate notice was directed to all persons who are Class Members who could be identified with reasonable effort, advising them of Lead Counsel's intention to make an application for an award of attorneys' fees not to exceed 30% of the Settlement Fund and for expenses not to exceed \$55,000 and of their right to object thereto, and a full and fair opportunity was accorded to all persons and entities who are Class Members to be heard with respect to Lead Counsel's application for an award of attorneys' fees and expenses. No Class Member has submitted an objection to Lead Counsel's application for attorneys' fees and expenses.
4. The Court hereby awards Lead Counsel attorneys' fees of 30% of the Settlement Amount, plus expenses in the amount of \$30,401.27, together with the interest earned on both

amounts for the same time period and at the same rate as that earned on the Settlement Fund until paid. The Court finds that the amount of fees awarded is appropriate and that the amount of fees awarded is fair and reasonable under the “percentage-of-recovery” method.

5. The attorneys' fees and expenses awarded shall be allocated amongst other Plaintiffs' Counsel in a manner that Lead Counsel in good faith believe reflects the contributions of such counsel to the prosecution and settlement of the Action.

6. The awarded attorneys' fees and expenses and interest earned thereon, shall immediately be paid to Lead Counsel subject to the terms, conditions, and obligations of the Settlement Agreement, and in particular ¶7.2 thereof, which terms, conditions, and obligations are incorporated herein.

IT IS SO ORDERED.

DATED: 9/28/15

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THE HONORABLE RAMON E. REYES, JR.  
UNITED STATES MAGISTRATE JUDGE